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EXAMINER

PATTON, AMANDA K

ART UNIT

PAPER NUMBER

3762

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **ADVISORY ACTION**

### ***Response to Arguments***

Applicant's arguments regarding claim 30 have been fully considered but they are not persuasive. The arguments are based upon amended language that will require further search and consideration.

Applicant's arguments regarding claim 12 have been fully considered but they are not persuasive. As stated in the previous Office action, Bredeesen is relied upon to disclose the claimed invention except a GUI displaying multiple waveforms corresponding to heart sound signals for the respective multiple recoding locations in a manner such that the multiple waveforms can be visually correlated. Murphy discloses that it was well known in the art to visually correlate such waveforms in a GUI (e.g. Figures 5A and 5B).

Applicant argues that Murphy teaches away from Bredeesen, but this is not the case. Murphy is relied upon to show that it was well known in the art at the time the invention was made to provide multiple waveforms in a single GUI. The question of whether Murphy discloses displaying a waveform during data collection is immaterial, as this is not what Murphy is relied upon to teach, and such a limitation is not found within the claims as currently submitted. The claims as currently submitted do not specify when the data is displayed by the GUI.

Examiner wishes to note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Art Unit: 3762

Applicant's arguments regarding claims 18 and 20 have been fully considered but they are not persuasive. As stated in the previous Office action and above, Bredezen and Murphy disclose the claimed invention except an auditory guide. Nova is relied upon to show that it was well known in the art to use a series of aural instructions to guide a user through a predetermined protocol.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Patton whose telephone number is (571) 270-1912. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AKP/  
Examiner, Art Unit 3762

/George R Evanisko/  
Primary Examiner, Art Unit 3762